

## REMARKS

### The Claim Amendment

The independent claims are amended to include the limitations previously recited in claims 22, 25, 28, 34 and 39, all now canceled, as well as to eliminate the recitation of "a frame rate of visual content."

Furthermore, it is respectfully submitted that the amendments to the claims do not touch the merits of the patent application, do not raise new issues, and do not cause the need for a new search, thus should be entered. Moreover, it is respectfully submitted that the claim amendments place the application in condition for allowance in view of the remarks below.

### The Prior Art Rejection

The independent claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherjee (US 7, 133, 925) in view of Lim (US 5, 547, 499).

The independent claims are amended to recite that the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message, as previously recited in claims 22, 25, 28, 34 and 39, where the media characteristics include either a number of frames or a sampling rate of audio content.

To the extent that the rejection might be applied to the independent claims, as amended, it is respectfully traversed for the following reasons:

In the office action, on pages 21-22, the reasoning is rejecting the subject matter of claims 22, 25, 28, 34 and 39 based on Mukherjee, Figures 3A and 3B.

Figure 3A shows a non-media type specific format including a parcel header component and parcel data component. As shown in Figure 3A, the parcel header component includes a media description having a component description list with a component header. Figure 3B shows in detail the media component header of Figure 3A. As described in Mukherjee, column 7, lines 8-15, the parcel header portion contains **the number of media components**, as well as **the individual headers for each of the constituent components**.

Further, as described in Mukherjee, the paragraph bridging columns 6-7, media content passed around in each transmission instances is referred to as a parcel that is comprised of multiple media components. For example, one component may be an image, and a second component may be an audio annotation that goes with it. Each media component is a coded unit of data that may be represented in the scalable non-media specific format, along with a header containing its description. The overall media description for a parcel consists of the description for the individual components in its header.

However, it is respectfully submitted that Mukherjee, including Figures 3A and 3B, as well as the passages cited above, does not disclose, teach or suggest that its parcel header portion contains media characteristics including either a number of frames or a sampling rate of audio content, as now recited in the independent claims. Instead, Mukherjee's parcel header portion merely contains **the number of media components**, as well as **the individual headers for each of the constituent components**. For example, it is respectfully submitted that neither **the number of media components** nor **the individual headers for each of the constituent components** contain any indication

or information about media characteristics including either a number of frames or a sampling rate of audio content, as now recited in the independent claims.

For these reasons, it is respectfully submitted that Mukherjee, including Figures 3A and 3B, as well as the passages cited above, does not disclose, teach or suggest this feature.

Moreover, it is respectfully submitted that Lim is not being cited for disclosing non-program-content characteristics including such items as a frame rate or spatial resolution, citing Lim, column 2, lines 33-35. However, it is respectfully submitted that Lim, including column 2, lines 33-35, is not being cited for, and does not disclose that its non-program-content characteristics including any indication or information about media characteristics including either a number of frames or a sampling rate of audio content, as now recited in the independent claims. For this reason, it is respectfully submitted that Lim does not make up for this deficiency in that disclosed by Mukherjee, including Figures 3A and 3B, as well as the passages cited above.

Moreover, Lim merely relates to a television transmitter for transmitting a TV signal having a non-program-content-characteristics. Abstract from US 5,547,499:

"The transmitter includes a processor for processing the series of scenes so as to retain a non-program-content characteristic of the series of scenes, means for inserting identification information into the television signal, the identification information being indicative of the non-program-content characteristic retained in the processed series of scenes, and a signal transmitter for broadcasting the television signal. Also disclosed is an advanced video system for receiving, processing and displaying received source material having non-program-content characteristics. The system includes a classifier unit for identifying different classes of received source material based upon the non-program-content characteristics of the received source material, and an adaptive processor unit for treating each class of received source material according to its non-program content characteristics."

For example, the receiver identifies different classes of received source material according to its specific non-program-content characteristics. As a result, an improved video display,

including higher resolution, can be obtained. In Column 2, lines 33-35, Lim states: "Non-program-content characteristics include such items as frame rate, spatial resolution, scanning format (such as interlaced or progressive), etc., as distinguished from the program type, such as soap opera, sitcom, action or non-action, etc."

The fundamental difference between the claimed invention and that disclosed by Lim is that Lim merely relates to analog TV transmission. Lim does not disclose packet based digital messaging applications or any techniques or applications related to the same, as claimed in the present application. It is, therefore, respectfully submitted that one of ordinary skilled in the art if given Mukherjee and Lim could not combine Mukherjee and Lim in such way to end up with the claimed invention. Secondly, in Lim, the non-program-content-characteristics are used for improved display, etc. According to the claimed invention, a server decides whether the message should be transcoded based on the media characteristics.

#### The Dependent Claims

The remaining claims depend from and contain all the limitations of the independent claims, and are deemed patentable over the cited prior art for all the same reasons.

Conclusion

Reconsideration and early allowance are earnestly requested.

Respectfully submitted,

/William J. BARBER/

William J. Barber  
Agent for the Applicant  
*Registration No. 32,720*

tel: (203) 261-1234  
Cust. No.: 004955

*9 July 2009*

WARE, FRESSOLA, VAN DER  
SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468-0224